

# In the United States Court of Federal Claims

No. 21-2168  
(Filed: February 17, 2022)

\*\*\*\*\*  
JAMES C. GREIG, \*  
\*  
Plaintiff, \*  
\*  
v. \*  
\*  
THE UNITED STATES, \*  
\*  
Defendant. \*  
\*\*\*\*\*

## ORDER

On November 9, 2021, Plaintiff, James Greig, proceeding *pro se*, filed a complaint seeking restoration of his social security benefits. *See* ECF No. 1. Mr. Greig also filed an application to proceed in forma pauperis (“IFP”) on the same day. ECF No. 2.

On December 13, 2021, the Court denied Mr. Greig’s application to proceed IFP because it was incomplete. ECF No. 6. The Court then ordered Mr. Greig to file a complete application to proceed IFP or pay the Court’s full filing fee of \$402.00—a \$350.00 filing fee plus a \$52.00 administrative fee—by January 12, 2022. *Id.* The Court warned Mr. Greig that, if he failed to do so, his case “may be dismissed without prejudice for failure to prosecute” under Rule 41(b) of the Rules of the Court of Federal Claims (“RCFC”). *Id.*

On January 10, 2022, Defendant filed a motion to dismiss Mr. Greig’s case for lack of subject matter jurisdiction pursuant to RCFC 12(b)(1). *See* ECF No. 7. Mr. Greig was required, under RCFC 7.2(b)(1), to file a response to Defendant’s motion by February 10, 2022.

As of the date of this Order, Mr. Greig has neither filed a complete application to proceed IFP nor paid the required filing fees. Further, Mr. Greig has not filed a response to Defendant’s motion to dismiss. Accordingly, this case shall be **DISMISSED WITHOUT PREJUDICE** for failure to prosecute under RCFC 41(b). The Clerk is **DIRECTED** to enter judgment accordingly.

Because this case is dismissed for failure to prosecute under RCFC 41(b), Defendant’s motion is **DENIED AS MOOT**.

**IT IS SO ORDERED.**

s/ Thompson M. Dietz  
THOMPSON M. DIETZ, Judge